

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

Case No.04-cv-10323-RWZ

JOHN EVANS,  
Petitioner

v.

PAUL VERDINI, et al,  
Respondents.

**PETITIONER'S ASSENTED-TO MOTION FOR ENLARGEMENT OF TIME TO  
FILE REPLY TO RESPONDENTS' MEMORANDUM IN OPPOSITION TO  
PETITION FOR WRIT OF HABEAS CORPUS.**

The petitioner respectfully requests that this court grant him an enlargement of time within which to file his reply to respondents' memorandum in opposition to his petition for writ of habeas corpus to January 11, 2004. In support of this motion, petitioner states as follows.

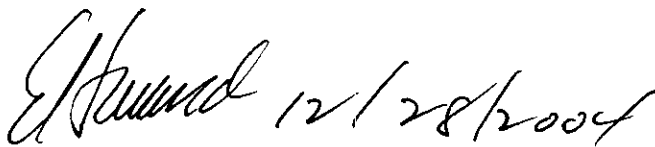
1. Petitioner, John Evans challenges his state court first degree murder conviction on several grounds in the petition for writ of habeas corpus. He is now serving a life sentence.
2. Where the court granted respondents additional time in which to file their memorandum in opposition, the timing of the filing of that opposition fell at the end of a period during which petitioner's counsel was recovering from an eye operation which limited the usage his eyes. Thus, he could not work with maximum efficiency during that period.
3. Petitioner's counsel is a sole practitioner, and the press of business was such that he has been unable to devote adequate time until now to review the opposition and identify several points which need to be addressed in his reply.

WHEREFORE petitioner respectfully requests an enlargement of time to January 11, 2004 in which to file his reply to respondents' memorandum in opposition to his petition for writ of habeas corpus.

**Local Rule 7.1 Certification**

Emanuel Howard, undersigned counsel, hereby certifies that he has spoken by telephone on December 27, 2004 with Assistant Attorney General Susanne G. Reardon, counsel for respondents, to confer about the subject of this motion, and he further certifies that she stated to him that respondents assent to this motion.

Respectfully submitted, John Evans,  
by his attorney,

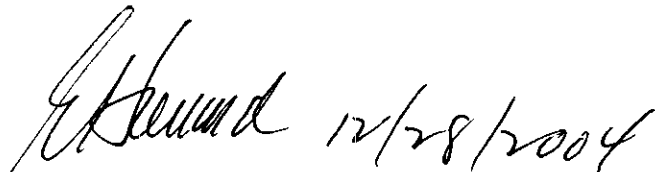


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**CERTIFICATE OF SERVICE**

I hereby certify that, on the date written below, I served a copy of the petitioner's motion upon the respondents by mailing it first class prepaid to their counsel as listed below.

Susanne G. Reardon  
Assistant Attorney General  
Criminal Bureau  
One Ashburton Place  
Boston, Ma 02108



Evans Mot. For Enlarge. Time File Reply To Opp. 12.28. 2004XP